

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
BRYAN C. SCHWENK, AHMED ELHENAWY, : ORDER  
and JIANMING LI, :  
 : 23 Civ. 715 (RA) (GWG)  
 :  
Plaintiffs, :  
 :  
-v.- :  
 :  
ROXE INC., et al., :  
 :  
Defendants. :  
-----X

**GABRIEL W. GORENSTEIN, United States Magistrate Judge**

The Court requires that the plaintiffs verify that they authorized the signing of the Amended Complaint in this case. Accordingly, on or before June 29, 2023, each plaintiff, Bryan C. Schwenk, Ahmed Elhenawy, and Jianming Li, is directed to file a statement in the form of Exhibit A annexed to this Order that is signed by that plaintiff (not in electronic form). For the parties' convenience, the Amended Complaint is attached hereto as Exhibit B. It is not necessary to refile the Amended Complaint, however.

If any of the three plaintiffs did not authorize their signature on the Amended Complaint or do not wish to proceed as a plaintiff in this case, they should file with the Clerk a statement so stating on or before June 29, 2023. (The statement should include the name and docket number of this case.)

The statement (either verifying signature in the form of Exhibit A or informing the Court of non-authorization) shall be filed with the Clerk either (1) by emailing a scanned version in .pdf form to Temporary\_Pro\_Se\_Filing@nysd.uscourts.gov; or (2) by mailing the signed document to Pro Se Docketing, U.S. Courthouse, 500 Pearl Street, New York, NY 10007.

If either Ahmed Elhenawy or Jianming Li wish to consent to electronic service in this case, they should complete the attached form (Exhibit C).

If any party fails to file the statement required by this Order, this case may be dismissed as to that party.

SO ORDERED.

Dated: June 15, 2023  
New York, New York

  
GABRIEL W. GORENSTEIN  
United States Magistrate Judge

# **Exhibit A**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
BRYAN C. SCHWENK, AHMED ELHENAWY, : SIGNATURE VERIFICATION  
and JIANMING LI, :  
 : 23 Civ. 715 (RA) (GWG)  
 :  
Plaintiffs, :  
 :  
-v.- :  
 :  
ROXE INC., et al., :  
 :  
Defendants. :  
-----X

As required by the Court's Order of June 15, 2023, I am filing this Signature Verification to affirm that I, \_\_\_\_\_ [state name], authorized my electronic signature as it appears on page 7 of the Amended Complaint dated April 28, 2023.

\_\_\_\_\_  
[Signature — Do NOT Use Electronic Signature]

\_\_\_\_\_  
[Print Name]

\_\_\_\_\_  
[Print Address]

\_\_\_\_\_  
[Telephone Number]

\_\_\_\_\_  
[Email Address If Available]

# **Exhibit B**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Bryan Schwenk, Ahmed Elhenawy, Jianming Li

1:23 CV 00715-LTS

Write the full name of each plaintiff.

(Include case number if one has been assigned)

-against-

**AMENDED**

Roxe Inc, Haohan Xu, Maodong Xu, Xiaoyu Li

**COMPLAINT**

Do you want a jury trial?

☐ Yes ☐ No

Write the full name of each defendant. If you need more space, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section II.

**NOTICE**

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

## I. BASIS FOR JURISDICTION

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation, and the amount in controversy is more than \$75,000, is a diversity case. In a diversity case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal-court jurisdiction in your case?

☒ **Federal Question**

☐ **Diversity of Citizenship**

### A. If you checked Federal Question

Which of your federal constitutional or federal statutory rights have been violated?

Right protected under the Fair Labor Standards Act, the Wage Theft Protection Act, and the NYS Labor Law and Breach of Contract. Defendants failed to pay plaintiffs in full for hours

worked. The FLSA provides that any employer who violates the provisions of 29 U.S.C. § 206 shall be liable to the employees affected in the amount of their unpaid wage.

### B. If you checked Diversity of Citizenship

#### 1. Citizenship of the parties

Of what State is each party a citizen?

The plaintiff, \_\_\_\_\_, is a citizen of the State of  
(Plaintiff's name)

\_\_\_\_\_  
(State in which the person resides and intends to remain.)

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of

\_\_\_\_\_.  
If more than one plaintiff is named in the complaint, attach additional pages providing information for each additional plaintiff.

If the defendant is an individual:

The defendant, \_\_\_\_\_, is a citizen of the State of  
(Defendant's name)

\_\_\_\_\_  
or, if not lawfully admitted for permanent residence in the United States, a citizen or  
subject of the foreign state of

\_\_\_\_\_  
If the defendant is a corporation:

The defendant, \_\_\_\_\_, is incorporated under the laws of  
the State of \_\_\_\_\_

and has its principal place of business in the State of \_\_\_\_\_

or is incorporated under the laws of (foreign state) \_\_\_\_\_

and has its principal place of business in \_\_\_\_\_.

If more than one defendant is named in the complaint, attach additional pages providing  
information for each additional defendant.

## II. PARTIES

### A. Plaintiff Information

Provide the following information for each plaintiff named in the complaint. Attach additional  
pages if needed.

Bryan	C	Schwenk
First Name	Middle Initial	Last Name
28 Canal Street		
Street Address		
New York County, New York	NY	10002
County, City	State	Zip Code
(484)-354-6196	bryan.schwenk@gmail.com	
Telephone Number	Email Address (if available)	

Additional Plaintiffs:

Ahmed Elhenawy  
154 Meriline Ave, apt H  
Woodland Park, NJ 07424  
(201)-705-7610  
ahmedel\_henawy@yahoo.com

Jianming Li  
517 Becker Ave  
Fort Mill, SC 29715  
(704)-891-5517  
jianmingli@hotmail.com



## B. Defendant Information

To the best of your ability, provide addresses where each defendant may be served. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are the same as those listed in the caption. Attach additional pages if needed.

Defendant 1:	<div style="display: flex; justify-content: space-between; width: 100%;"> <span>Haohan</span> <span>X</span> </div>
	<div style="display: flex; justify-content: space-between; width: 100%;"> <span>First Name</span> <span>Last Name</span> </div>
	<div style="display: flex; justify-content: space-between; width: 100%;"> <span>Chief Executive Officer</span> </div>
	<div style="display: flex; justify-content: space-between; width: 100%;"> <span>Current Job Title (or other identifying information)</span> </div>
	<div style="display: flex; justify-content: space-between; width: 100%;"> <span>2 La Colline Drive</span> </div>
	<div style="display: flex; justify-content: space-between; width: 100%;"> <span>Current Work Address (or other address where defendant may be served)</span> </div>
	<div style="display: flex; justify-content: space-between; width: 100%;"> <span>Nassau County, Mill Neck</span> <span>NY</span> <span>11765</span> </div>
	<div style="display: flex; justify-content: space-between; width: 100%;"> <span>County, City</span> <span>State</span> <span>Zip Code</span> </div>
Defendant 2:	<div style="display: flex; justify-content: space-between; width: 100%;"> <span>Maodong</span> <span>X</span> </div>
	<div style="display: flex; justify-content: space-between; width: 100%;"> <span>First Name</span> <span>Last Name</span> </div>
	<div style="display: flex; justify-content: space-between; width: 100%;"> <span>President</span> </div>
	<div style="display: flex; justify-content: space-between; width: 100%;"> <span>Current Job Title (or other identifying information)</span> </div>
	<div style="display: flex; justify-content: space-between; width: 100%;"> <span>2 La Colline Drive</span> </div>
	<div style="display: flex; justify-content: space-between; width: 100%;"> <span>Current Work Address (or other address where defendant may be served)</span> </div>
	<div style="display: flex; justify-content: space-between; width: 100%;"> <span>Nassau County, Mill Neck</span> <span>NY</span> <span>11765</span> </div>
	<div style="display: flex; justify-content: space-between; width: 100%;"> <span>County, City</span> <span>State</span> <span>Zip Code</span> </div>
Defendant 3:	<div style="display: flex; justify-content: space-between; width: 100%;"> <span>Xiaoyu</span> <span>Li</span> </div>
	<div style="display: flex; justify-content: space-between; width: 100%;"> <span>First Name</span> <span>Last Name</span> </div>
	<div style="display: flex; justify-content: space-between; width: 100%;"> <span>Director</span> </div>
	<div style="display: flex; justify-content: space-between; width: 100%;"> <span>Current Job Title (or other identifying information)</span> </div>
	<div style="display: flex; justify-content: space-between; width: 100%;"> <span>401 Washington Boulevard, apt 1710</span> </div>
	<div style="display: flex; justify-content: space-between; width: 100%;"> <span>Current Work Address (or other address where defendant may be served)</span> </div>
	<div style="display: flex; justify-content: space-between; width: 100%;"> <span>Hudson County, Jersey City</span> <span>NJ</span> <span>07310</span> </div>
	<div style="display: flex; justify-content: space-between; width: 100%;"> <span>County, City</span> <span>State</span> <span>Zip Code</span> </div>

Defendant 4: Roxe Inc

First Name	Last Name	
Current Job Title (or other identifying information)		
3500 South Dupont Highway		
Current Work Address (or other address where defendant may be served)		
Kent County, Dover	DE	19901
County, City	State	Zip Code

### III. STATEMENT OF CLAIM

Place(s) of occurrence: 1675 Broadway, 35th Floor, New York, NY 10019

Date(s) of occurrence: 11/18/22, 12/2/22, 12/16/22 - These are the paydays for the period of time working 10/24/22 through 12/2/22.

#### FACTS:

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and what each defendant personally did or failed to do that harmed you. Attach additional pages if needed.

Roxe Inc, the plaintiffs' former employer, withheld compensation for work performed, in violation of employment contracts and labor laws. This includes the FLSA, as the wage of

\$0.00 per hour for the period of time between 10/24/22 through 12/2/22 fails to meet the minimum wage requirement. Plaintiffs inquired about compensation and repeatedly attempted

unsuccessfully to recover unpaid wages from defendants. Company executives Haohan Xu and Maodong Xu and company director Xiaoyu Li failed to take any action as beneficial owners of the

business to rectify the wage issue. On 11/18/22, Roxe Inc failed to execute salary payments of

\$6,153.85 to Bryan Schwenk, \$9,666.67 to Ahmed Elhenawy, and \$12,555.38 to Jianming Li, as stipulated in their respective employment contracts. This occurred again on 12/2/22 and 12/16/22 in

the same manner as 11/18/22. The withholding of compensation inhibited plaintiffs' ability to make bill payments for rent as well as other regular living expenses. This caused mental stress to the plaintiffs,

as did the prospect of pursuing legal action and incurring legal fees. As of the date of this amended order, wages remain unpaid.

## INJURIES:

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

#### IV. RELIEF

State briefly what money damages or other relief you want the court to order.

The aggregate amount of unpaid compensation: \$85,127.68

## V. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I agree to notify the Clerk's Office in writing of any changes to my mailing address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

4/28/2023		/s/ [Bryan Schwenk] /s/ [Ahmed Elhenawy] /s/ [Jianming Li]	
Dated		Plaintiff's Signature	
Bryan	C	Schwenk	
First Name	Middle Initial	Last Name	
28 Canal Street, apt 3B			
Street Address			
New York County, New York		NY	10002
County, City		State	Zip Code
(484)-354-6196		bryan.schwenk@gmail.com	
Telephone Number		Email Address (if available)	

I have read the Pro Se (Nonprisoner) Consent to Receive Documents Electronically:

☒ Yes ☐ No

If you do consent to receive documents electronically, submit the completed form with your complaint. If you do not consent, please do not attach the form.

# Exhibit C



**United States District Court  
Southern District of New York**

## **Pro Se (Nonprisoner) Consent to Receive Documents Electronically**

Parties who are not represented by an attorney and are not currently incarcerated may choose to receive documents in their cases electronically (by e-mail) instead of by regular mail. Receiving documents by regular mail is still an option, but if you would rather receive them only electronically, you must do the following:

1. Sign up for a PACER login and password by contacting PACER<sup>1</sup> at [www.pacer.uscourts.gov](http://www.pacer.uscourts.gov) or 1-800-676-6856;
2. Complete and sign this form.

If you consent to receive documents electronically, you will receive a Notice of Electronic Filing by e-mail each time a document is filed in your case. After receiving the notice, you are permitted one “free look” at the document by clicking on the hyperlinked document number in the e-mail.<sup>2</sup> Once you click the hyperlink and access the document, you may not be able to access the document for free again. After 15 days, the hyperlink will no longer provide free access. Any time that the hyperlink is accessed after the first “free look” or the 15 days, you will be asked for a PACER login and may be charged to view the document. For this reason, *you should print or save the document during the “free look” to avoid future charges.*

### **IMPORTANT NOTICE**

Under Rule 5 of the Federal Rules of Civil Procedure, Local Civil Rule 5.2, and the Court’s Electronic Case Filing Rules & Instructions, documents may be served by electronic means. If you register for electronic service:

1. You will no longer receive documents in the mail;
2. If you do not view and download your documents during your “free look” and within 15 days of when the court sends the e-mail notice, you will be charged for looking at the documents;
3. This service does *not* allow you to electronically file your documents;
4. It will be your duty to regularly review the docket sheet of the case.<sup>3</sup>

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<sup>1</sup> Public Access to Court Electronic Records (PACER) ([www.pacer.uscourts.gov](http://www.pacer.uscourts.gov)) is an electronic public access service that allows users to obtain case and docket information from federal appellate, district, and bankruptcy courts, and the PACER Case Locator over the internet.

<sup>2</sup> You must review the Court’s actual order, decree, or judgment and not rely on the description in the email notice alone. See ECF Rule 4.3

<sup>3</sup> The docket sheet is the official record of all filings in a case. You can view the docket sheet, including images of electronically filed documents, using PACER or you can use one of the public access computers available in the Clerk’s Office at the Court.

#### **PRO SE INTAKE WINDOW LOCATIONS:**

40 FOLEY SQUARE | NEW YORK, NY 10007  
300 QUARROPAS STREET | WHITE PLAINS, NY 10601

#### **MAILING ADDRESS:**

500 PEARL STREET | NEW YORK, NY 10007  
PRO SE INTAKE UNIT: 212-805-0136

### CONSENT TO ELECTRONIC SERVICE

I hereby consent to receive electronic service of notices and documents in my case(s) listed below. I affirm that:

1. I have regular access to my e-mail account and to the internet and will check regularly for Notices of Electronic Filing;
2. I have established a PACER account;
3. I understand that electronic service is service under Rule 5 of the Federal Rules of Civil Procedure and Rule 5.2 of the Local Civil Rules, and that I will no longer receive paper copies of case filings, including motions, decisions, orders, and other documents;
4. I will promptly notify the Court if there is any change in my personal data, such as name, address, or e-mail address, or if I wish to cancel this consent to electronic service;
5. I understand that I must regularly review the docket sheet of my case so that I do not miss a filing; and
6. I understand that this consent applies only to the cases listed below and that if I file additional cases in which I would like to receive electronic service of notices of documents, I must file consent forms for those cases.

#### Civil case(s) filed in the Southern District of New York:

Please list all your pending and terminated cases to which you would like this consent to apply. For each case, include the case name and docket number (for example, John Doe v. New City, 10-CV-01234).

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Name (Last, First, MI)

---

Address

City

State

Zip Code

---

Telephone Number

E-mail Address

---

Date

Signature